

Serial No. 10/500,465

Attorney Docket No. 26C-038-TN

RECEIVED
CENTRAL FAX CENTER
APR 03 2007

REMARKS

The applicants appreciate the indication that the priority documents have been received from the International Bureau.

Also, the applicants acknowledge receipt of initialed copies of the forms PTO-1449 filed on July 13, 2004 and November 1, 2005. However, an initial is omitted in the copy of the form PTO-1449 filed on 1 November 2005, as shown in the attached mark-up. Therefore, the applicants respectfully request a completely initialed copy of the form PTO-1449 filed on 1 November 2005.

Claims 1-11 are pending, and were previously amended by way of an Article 19 Amendment. Claims 1, 4, 5, 8, 9 and 11 have been canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

On page 5 of the office action, dependent claims 2, 6, and 7/6 were objected to, but indicated as being allowable if rewritten in independent form. Claim 2 has been rewritten in independent form to include claim 1, and 6 has been re-written in independent form to include claims 1, 4 and 5. It is respectfully submitted that claims 2 and 6 as rewritten are allowable. Claims 1, 4 and 5 were canceled; claim 3 has been amended to depend from allowable claim 2; and claim 7 has been amended to depend from allowable claim 6 only. In view of the above, the applicant submits that claims 2, 3, 6 and 7 are patentable.

The applicants have rewritten the claims in independent form since the office action indicated that claims 2, 6 and 7/6 would be allowable if so re-written. However, the applicants do not concede that other features in the claims are found in the prior art. The applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution.

Serial No. 10/500,465

Attorney Docket No. 26C-038-TN

Any narrowing amendment to the claims in the present Amendment is not to be construed as a surrender of any subject matter between the original claims and the present claims; rather this is merely an attempt at providing one or more definitions of what the applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that the applicants are seeking for this application. Therefore, no estoppel should be presumed, and the applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents.

For all the reasons advanced above, the applicants respectfully submit that claims 2, 3, 6 and 7 as amended are allowable.

Claims 1, 4, 7/4, 9 and 11 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent Publication No. 2001/0006287, Tanase et al. ("Tanase"). Claims 1, 4, 9 and 11 are canceled; claim 7/4 is amended to depend from claim 6 only. Therefore, the rejection is believed to be moot.

Claim 3 was rejected under 35 USC 103(a) as being unpatentable over Tanase in view of U.S. Patent No. 6,176,515, Wallner et al. ("Wallner"). Because claim 3 is amended to depend from allowable claim 2, it is respectfully submitted that the rejection should be withdrawn.

Claims 5, 7/5, 8 and 10 were rejected under 35 USC 103(a) as being unpatentable over Tanase in view of U.S. Patent No. 6,338,498, Niederman et al. ("Niederman"). Claims 5 and 8 were canceled; claim 7/5 is amended to depend from claim 6 only. Therefore, the rejection only applies to claim 10.

Claim 10 has been amended. Support for the amendment is located in the application as filed, for example, page 45, line 22 to page 46, line 2; and page 46, line 12 to page 47, line 10.

Serial No. 10/500,465

Attorney Docket No. 26C-038-TN

Insofar as the rejection may be applied to claim 10 as amended, the rejection is respectfully traversed for reasons including the following, which are presented by way of example.

The specification identifies various problems, for example, in connection with downward airbag deployment along windows. (E.g., page 2, lines 15-16.)

Claim 10 as amended recites, for example, "a gas flow regulating means for redirecting the inflation gas flowing into at least one of the vertical chambers obliquely down and toward the vehicle's exterior via the communication port; a holder located proximate to the housing position of the airbag for holding and fixing the periphery of the communication port of the at least one of the vertical chambers upon airbag deployment; and the holder constitutes the gas flow regulating means, the holder is made of sheet metal and has a substantially L-shaped section including a fixing portion secured to an inner panel of a vehicle body and two projected portions having a recessed portion between themselves, the airbag includes slits at front and rear periphery of the communication port for receiving the projected portions of the holder, and when the airbag device is mounted on the vehicle, the axial direction of an opening plane of the recessed portion disposed between the projected portions is directed downward and toward the vehicle's exterior." Thereby, the holder serving as the flow regulating means can help guide the vertical chamber to deploy in a desired direction in a stable manner.

The office action cites Tanase as teaching each of the recited elements with the exception of the auxiliary chambers. To remedy the defects of Tanase, the office action cites Niederman, and argues that it would have been obvious to modify Tanase to comprise a plurality of auxiliary chambers in view of Niederman. The examiner further argues that it would have been obvious to modify Tanase to comprise the holder of Niederman.

Serial No. 10/500,465

Attorney Docket No. 26C-038-TN

The office action asserts that Niederman discloses the holder as recited. To the contrary, Niederman and/or Tanase, alone or in combination, fail to teach or suggest the invention, as presently claimed, when the claims are considered as a whole.

For example, Niederman fails to teach or suggest, for example, "the holder ... has a substantially L-shaped section including a fixing portion secured to an inner panel of a vehicle body and two projected portions having a recessed portion between themselves," in combination with "the airbag includes slits at front and rear periphery of the communication port for receiving the projected portions of the holder," as well as "when the airbag device is mounted on the vehicle, the axial direction of an opening plane of the recessed portion disposed between the projected portions is directed downward and toward the vehicle's exterior." (See, e.g., claim 10.) To the contrary, Niederman's airbag is attached "by use of screws or snap-in fasteners 58 (FIG. 3) which pass through fastening apertures 60" (col. 4, lines 40-48). The screws or snap-in fasteners (58) and apertures (60) are used only to attach an airbag to the vehicle structure, but will not server to guide the deployment direction of the vertical chamber.

Tanase and/or Niederman fail to teach or suggest, for example, these elements recited in independent claim 10. It is respectfully submitted therefore that claim 10 is patentable over Tanase and/or Niederman, alone or in combination.

For at least these reasons, the combination of features recited in independent claim 10, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Tanase and/or Niederman clearly fail to show other recited elements as well.

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, applicants have

Serial No. 10/500,465

Attorney Docket No. 26C-038-TN

provided specific examples of elements in the claims that are clearly not present in the cited prior art.

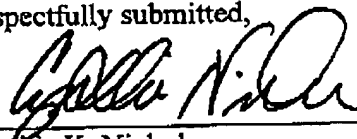
Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited references.

Please note that the filing date indicated in the office action cover sheet is incorrectly listed as July 13, 2004, instead of July 15, 2004. Therefore, the applicants have concurrently filed a Request for corrected Notice of Acceptance of Application under 35 USC 371 and 37 CFR 1.495.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



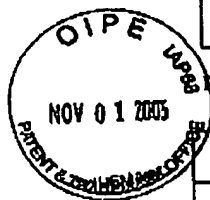
Cynthia K. Nicholson
Reg. No. 36,880

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400

* PATENT APPLICATION

Page 1 of 1

FORM PTO-1449	ATTY. DKT NO.	26C-038-TN	SER. NO.	10/500,465
	APPLICANT	KINO et al.		
	FILING DATE	July 13, 2004	GROUP	3618



REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS
KJA	6,224,087	05/01/01	Stütz et al.		
	US 2002/024203	02/28/02	Takahashi		
	6,224,091	05/01/01	Eyrainer et al.		
	6,338,498	01/15/02	Niederman et al.		

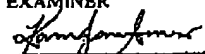
FOREIGN PATENT DOCUMENTS

TRANSLATION

	DOCUMENT NUMBER	DATE	COUNTRY	NAME	CLASS	SUB CLASS	YES	NO	Eng. Abstract
KJA	EP 1 069 007 A1	01/17/01	EUROPE						

* Full English text is available in machine-translated form in JPO (Japanese Patent Office) English language web site at <http://www1.jpo.go.jp/PA1/cgi-bin/PA1INDEX>.

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	Supplementary European search report dated September 14, 2005.
	EXAMINER DATE CONSIDERED 10/18/2006

Rev. 10/94 (Form 3.05)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KINO et al.

Serial No.: 10/500,465

Filed: 7/15/2004

Title: HEAD-PROTECTING AIRBAG
DEVICE

Atty. Dkt.: 26C-038-TN

Art Unit: 3616

Examiner: Amores

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: 3 April 2007

CERTIFICATE OF FACSIMILE TRANSMISSION

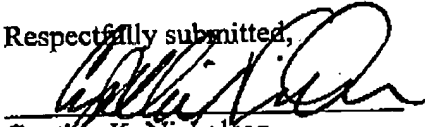
I hereby certify that this correspondence is being facsimile transmitted to the USPTO (Fax. No. 571-273-8300) on 3 April 2007
Typed Name: Cynthia K. NicholsonSignature: **REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE OF APPLICATION
UNDER 35 USC 371 AND 37 CFR 1.495**

Sir:

Please correct the Notice of Acceptance of Application (copy to follow with indicated corrections) for the above-referenced patent application, and generate a corrected Notice of Acceptance. The Notice of Acceptance incorrectly indicates a filing date of 07/13/2004. The correct filing date is 07/15/2004. A copy of the PCT DO/EO/US Hand Delivery Filing Receipt listing the documents filed on 15 July 2004 is attached herewith for your reference.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,


Cynthia K. Nicholson
Reg. No. 36,880Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/500,465	Masao Kino	26C-038-TN
INTERNATIONAL APPLICATION NO.		
PCT/JP03/02538		
IA FILING DATE	PRIORITY DATE	
03/05/2003	03/08/2002	

23400
POSZ LAW GROUP, PLC
11250 ROGER BACON DRIVE
SUITE 10
RESTON, VA 20190

CONFIRMATION NO. 8135

371 ACCEPTANCE LETTER



OC000000015342899

Date Mailed: 03/08/2005

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

~~07/13/2004~~ **7/15/2004** **07/15/2004** ←
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

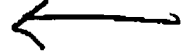
A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on ~~07/13/2004~~ **7/15/2004**
- English Translation of the IA filed on ~~07/13/2004~~ **7/15/2004**
- Copy of the International Search Report filed on ~~07/13/2004~~ **7/15/2004**
- Copy of IPE Report filed on ~~07/13/2004~~ **7/15/2004**
- Copy of Annexes to the IPE filed on ~~07/13/2004~~ **7/15/2004**
- English Translation of Annexes to the IPE filed on ~~07/13/2004~~ **7/15/2004**
- Information Disclosure Statements filed on ~~07/13/2004~~ **7/15/2004**
- Oath or Declaration filed on ~~07/13/2004~~ **7/15/2004**
- Request for Immediate Examination filed on ~~07/13/2004~~ **7/15/2004**
- U.S. Basic National Fees filed on ~~07/13/2004~~ **7/15/2004**
- Assignment filed on ~~07/13/2004~~ **7/15/2004**

Page 2 of 2

- Priority Documents filed on ~~07/13/2004~~ **7/15/2004**



Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

CHARITTA A BURT
Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

POSZ & BETHARDS, PLC

ATTORNEYS AT LAW

11250 ROGER BACON DRIVE, SUITE 10
RESTON, VA 20190DAVID G. POSZ
CHARLES W. BETHARDS *
JAMES E. BARLOW *
BRIAN C. ALTMILLER
ROBERT L. SCOTT, II
CYNTHIA K. NICHOLSON

SPECIALIZING IN PATENTS, TRADEMARKS & COPYRIGHTS

TEL: (703) 707-9110
FAX: (703) 707-9112
WWW.POSZLAW.COM* NOT ADMITTED IN VIRGINIA
PRACTICE LIMITED TO FEDERAL PATENT,
TRADEMARK AND COPYRIGHT MATTERS

July 15, 2004

COPY

PCT DO/EO/US HAND DELIVERY FILING RECEIPT

Applicant: KINO et al.

For: HEAD-PROTECTING AIRBAG DEVICE

Docket: 26C-038-TN

Rec'd PCT/PTO 15 JUL 2004

Attorney: David G. Posz

Date of Deposit: July 15, 2004

10/500465

The following documents are being hand delivered to, and deposited with, the USPTO at the DO/EO/US, Customer Service Window, Crystal Plaza Building 2, 8th Floor, 220 20th Street South, Arlington, VA 22202 on the above-indicated date, and are addressed to the Commissioner of Patents and Trademarks/Assistant Commissioner for Patents, Mail Stop PCT, Arlington, VA 22202:

- Return receipt postcard;
- Completed Transmittal Letter Form PTO-1390, including fee calculation sheet;
- 56-page specification including 11 numbered claims;
- 39 sheets of formal drawings [Figs. 1 – 39];
- English translation of Amendment under PCT Article 19 (listing 11 numbered claims) with a copy of PCT Notification concerning the filing of Amendments of the claims;
- Assignment and recordation cover sheet;
- IDS with PTO-1449 Form, copy of International Search Report and 7 cited references; and
- Check for \$1250 for payment of basic national stage fees and assignment recording fee.

COPY